

# Memo

**To:** Town Board Members

**From:** James Callahan, Director of Community Development

**cc:** Town Attorney, Town Clerk, Town Engineer, Senior Code Enforcement Officer, Planning Board Members, Chamber of Commerce

**Date:** May 4, 2017

**Re:** May 10, 2017 Town Board Agenda

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**Following is a review/analysis of the items listed on the May 10, 2017 Town Board Agenda:**

**FORMAL AGENDA ITEMS:**

**1. BENDERSON DEVELOPMENT, 5205 TRANSIT ROAD.**

**Location:** East side of Transit Road south of Greiner Road.

**Description/History:** Existing restaurant use located in the Major Arterial Zone.

**Proposal:** Applicant is proposing to add a drive-thru facility to the rear of the existing store.

**Comprehensive Plan:** Area identified in a commercial classification.

**Reason for Town Board Action:** Per the Zoning Law, the Town Board has approval authority for a drive-thru facilities.

**Issues:** Referral to the Planning Board would initiate formal review of this item.

**2. DAVIS TIBURZI, 6855 TRANSIT ROAD.**

**Location:** East side of Transit Road, north of County Road.

**Description/History:** Existing vacant parcel located in the Swormville TND. The Planning Board has approved a concept plan for a mixed use project at this location.

**Proposal:** Applicant is seeking a Special Exception Use Permit for the multiple family housing component of the project and has submitted the approved site plan along with updated elevations of the buildings.

**Comprehensive Plan:** Area identified within the Swormville TND.

**Reason for Town Board Action:** Per the Zoning Law the Town Board has final approval authority for Special Exception Use Permits.

**Issues:** A public hearing will be required to consider the permit.

### **3. FRED CIMATO/NORTHWOODS SUBDIVISION.**

**Location:** South side of Roll Road between Shimerville and Thompson Roads.

**Description/History:** Previously approved Open Space Design Subdivision.

**Proposal:** Applicant is proposing to remove topsoil from the project that has been cleared from the road construction.

**Reason for Town Board Action:** Per the Subdivision Law, the Town Board may approve topsoil removal. The applicant will need to verify that adequate topsoil remains on the site to cover disturbed areas.

**Issues:** The applicant is seeking approval to remove approximately 4800 cubic yards from two piles.

### **WORK SESSION ITEMS:**

#### **1. DR. KHAWAR, 8433 MAIN STREET.**

**Location:** South side of Main Street west of Harris Hill Road.

**Description/History:** Existing medical office building located within the Harris Hill Traditional Neighborhood District.

**Proposal:** Applicant is proposing a small front entrance addition.

**Comprehensive Plan:** Area identified within the Harris Hill TND.

**Reason for Town Board Action:** Per the Zoning Law the Town Board has final approval authority for architectural design within the TND

**Issues:** Use and small addition meets all setbacks and code requirements. Action is strictly for approval of the updated architectural design.

#### **2. ANNUAL TEMPORARY CONDITIONAL PERMIT RENEWALS.**

Attached is a list of TCP's up for renewal in 2017 identifying previous terms and conditions. Initially the town Board will need to set a public hearing date to consider the renewals.

### **3. LEGACY WOODS OPEN SPACE DESIGN SUBDIVISION.**

This project was introduced to the Town Board on March 8, 2017 and referred to the Planning Board. The Planning Board held a preliminary public meeting on the application and recommended that the Town Board seek Lead Agency status and commence a coordinated review among involved agencies after updating the submitted Part 1 Environmental Assessment Form (EAF). The applicant has now provided the updated EAF and the Town Board may now take the recommended action under SEQRA. A resolution has been prepared to seek Lead Agency and commence a coordinated review.

### **4. BRETT VOGEL, 8670 COUNTY ROAD.**

**Location:** North side of County Road east of green acres Road.

**Description/History:** Existing renovated barn located in the Agriculture Rural Residential Zone.

**Proposal:** Applicant is proposing a farm stand/market.

**Comprehensive Plan:** Area identified in an agricultural zone.

**Reason for Town Board Action:** As the project will involve items for sale that are not all grown on the property, the Town Board may consider a temporary Conditional Permit to guide the use.

**Issues:** After meeting with the Planning Board, the applicant has modified the proposal to eliminate the kitchen portion. He has also moved seating area to the rear away from County Road. The Planning Board has forward a recommendation with conditions on the application. A public hearing will be required to consider the TCP.

### **5. SATELLITE ANTENNA AND TOWER LOCAL LAW (CHAPTER 173).**

The Planning Board has forwarded a recommendation to adopt a Wind Energy Conversion Section to the Satellite Antenna and Tower Law. An action under SEQRA has been taken and the town Board is free to establish a public hearing date to consider adoption of this proposed amendment.